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6 UNITED STATES DISTRICT COURT  
7 DISTRICT OF NEVADA  
8

9 LANE GROW,

**No.: 3:07-CV-00105-LRH-RAM**

10 Plaintiff,

11 vs.

**ERRATUM TO  
REPLY IN SUPPORT OF RENEWED  
MOTION FOR SUMMARY JUDGMENT,  
Doc. #133**

12 ADAM GARCIA, an individual, TODD  
RENWICK, an individual, KEVIN  
13 YOUNGFLESH, an individual, ED RINNE,  
an individual,

14 Defendants.  
15 \_\_\_\_\_/

16  
17 Defendants Adam Garcia, Todd Renwick, and Ed Rinne, by and through their  
18 counsel, Frank H. Roberts, UNR Assistant General Counsel, hereby submit this Erratum  
19 to their REPLY IN SUPPORT OF RENEWED MOTION FOR SUMMARY JUDGEMENT,  
20 Doc. #133, Docket #176.

21 Defendants are replacing Exhibit 4 to their Reply in Support of Renewed Motion for  
22 Summary Judgment. Defendants inadvertently attached the wrong affidavit in their  
23 originally filed Reply.

24 DATED this 26<sup>th</sup> day of April, 2010.

25 /s/ Frank Roberts  
Assistant General Counsel  
26 University of Nevada  
Nevada Bar No. 914  
27 1664 N. Virginia Street/MS 550  
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*Attorney for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that I am an employee of the Nevada System of Higher Education, over the age of eighteen years, that I am not a party to the within action, and that on the 26<sup>th</sup> day of April, 2010, a copy of ERRATUM TO REPLY IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT, was delivered by electronic service to the following address by filing same in the Court's CM/ECF electronic filing service:

MARIE MIRCH, ESQ.  
444 WEST C STREET, SUITE 320  
SAN DIEGO, CA. 92101  
2610 BEAUMONT PKWY  
RENO, NV 89523

/s/ Joan Howard  
Employee of the University of  
Nevada, Reno of the Nevada  
System of Higher Education

# **EXHIBIT 4**

# **EXHIBIT 4**

FRANK H. ROBERTS  
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*Attorneys for Defendants*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

LANE GROW, an individual,  
Plaintiff,

Case No.: 3:07-cv-00105-LRH-RAM

vs.

ADAM GARCIA, an individual, TODD  
RENWICK, an individual, KEVIN  
YOUNGFLESH, an individual, ED RINNE,  
an individual,  
Defendants.

**AFFIDAVIT OF TODD RENWICK**

STATE OF NEVADA }  
WASHOE COUNTY } ss.

I, TODD RENWICK, do hereby swear under penalty of perjury that the assertions of this affidavit are true except as to those matters stated on information and belief, and that as to such matters I believe them to be true, as follows:

1. I am a Commander with the University of Nevada Police Services and a defendant herein.

2. During the time period of December 2002 through end of 2006, I was the Assistant Director for Police Services. During that time, I made a decision to allow sergeants to bid for their shifts by seniority, or in most cases let them work it out amongst themselves. In November or December 2006, Director Garcia made the decision to revert back to the language in General Order 09-001. Part of this reason was due to a dispute between (then) Sergeants Osowski and Conley

1 over who had seniority. This came to the Director's attention because Osowski and Conley went to  
2 UNR Human Resource Office to have them resolve the dispute. Human Resources then in turn  
3 contacted Director Garcia to explain how issues should be resolved when they involve seniority or  
4 demotion.

5 3. I was asked by Director Garcia regarding the assignments of sergeants and why I was  
6 not following General Order 09-001. I explained it was something I had allowed them to do as long  
7 as they could work it out themselves, not knowing there was a dispute between Osowski and  
8 Conley. The decision to enforce General Order 09-001 had nothing to do with the filing of (then)  
9 Sergeant Grow's Federal Lawsuit or any activity by Grow.

10 4. During a supervisors meeting in November or December 2006, I communicated to the  
11 Sergeants, including Grow and Osowski, which they would be allowed to stay on their previously  
12 chosen shifts for the January 2007 rotation, but would have to go by the General Order after that.  
13 To make it fair, I told them Sergeants would rotate their shifts in a clockwise rotation. Since July  
14 2007, all rotations have been made in the same clockwise direction and all Sergeants were treated  
15 equally.

16 5. I had not seen Plaintiff's Exhibit 15, a February 2, 2007 Memorandum from Plaintiff  
17 Grow to Lieutenant Youngflesh about Sergeant Grow's attendance of LEEDA training, until April  
18 2010 when it was made an Exhibit to Grow's Opposition to Defendants' Renewed Motion for  
19 Summary Judgment. I do recall the LEEDA training. It was mandatory training for all supervisors in  
20 UNRPD. Grow was a supervisor. LEEDA is an acronym for the FBI's "Law Enforcement Executive  
21 Development Association."

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1 FURTHER AFFIANT SAYETH NAUGHT.

2 DATED this \_\_\_\_\_ day of April, 2010.

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4 \_\_\_\_\_  
5 TODD RENWICK

6 SUBSCRIBED AND SWORN to before me

7 this \_\_\_\_\_ day of April, 2010 by

8 Todd Renwick.

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11 NOTARY PUBLIC  
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